



REGULATORY SERVICES COMMITTEE

REPORT

24 October 2013

Subject Heading:

P1557.12 – R/o 189 High Street, Hornchurch (fronting Fentiman Way)– Demolish single storey building and erect a two-storey residential mews development providing 4, three-bedroom houses (with accommodation in the roof space) with on-site parking for 4 vehicles and landscaped courtyard (received 16 January 2013; revised plans received 28 May 2013 and 7th October 2013)

Report Author and contact details:

Helen Oakerbee
Planning Control Manager (Applications)
helen.oakerbee@havering.gov.uk
01708 432800

Policy context:

Local Development Framework
The London Plan
National Planning Policy Statements/
Guidance

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This report concerns an application to demolish a single storey building and erect a two-storey residential mews development providing 4 No. three-bedroom houses (with accommodation in the roofs space) with on-site parking for 4 vehicles and landscaped courtyard. Staff consider that the proposal would accord with residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and approval is therefore recommended.

RECOMMENDATIONS

That the committee notes that the proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 438m² which equates to a Mayoral CIL payment of £8,760 which is subject to indexation.

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £24,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the preparation of the Agreement, prior to completion of the Agreement, irrespective of whether the Agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

That Staff be authorised to enter into such an agreement and that upon its completion planning permission be granted subject to the following conditions:

1. Time Limit: The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Act 1990.

2. External Materials: Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s), in particular the fine details for the building in the Conservation Area, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and St Andrew's Conservation Area.

3. Accordance with Plans The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans.

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted.

4. Refuse storage Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse awaiting collection according to details which shall previously have been agreed in writing by the local planning authority.

Reason: In the interests of the amenity of occupiers of the development and also the visual amenity of the development and the locality generally.

5. Cycle Storage Prior to completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

6. External Noise Insulation: The building shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimal value) against airborne external noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 "Planning & Noise" 1994.

7. External Lighting Details: Prior to completion of the works hereby permitted, details of additional external lighting in the passageway between the rear

door and the cycle/refuse store which shall have previously been submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason: In the interests of residential amenity and public safety in accordance with Policies DC61 and DC63 of the LDF Core Strategy and Development Control Policies DPD.

8. Secured by Design Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how the principles and practices of the 'Secured by Design' scheme have been included shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

9. Boundary treatment: Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason: To protect the visual amenities of the development and to ensure that a safe and secure environment is provided for further occupiers and in order that the development accords with Policies DC61, DC63 and DC65 of the LDF Development Control Policies Development Plan Document.

10. External Noise/Odour: Before any development is commenced, a scheme for protecting the proposed dwellings from noise and /or odour from adjacent commercial uses and activities shall be submitted and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings is occupied.

Reason: To prevent noise nuisance to adjoining .adjacent properties.

11. Construction Hours: All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason: To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

12. Contaminated Land:

Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

- a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
- b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
- c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To protect those engaged in construction and occupation of the development from potential contamination and in order that the development accords with Development Control Policies Development Plan Document Policy DC53.

13. Contamination: If, during development, contamination not previously identified is found to be present at the site then no further development

(unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

b) Following completion of the remediation works as mentioned in (a) above, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

Reason: To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

14. Contamination – soils: Before any part of the development is occupied, site derived soils and/or imported soils shall be tested for chemical contamination, and the results of this testing together with an assessment of suitability for their intended use shall be submitted and approved in writing by the Local Planning Authority. Without prejudice to the generality of the foregoing, all topsoil used for gardens and/or landscaping purposes shall in addition satisfy the requirements of BS 3882:2007 "Specification of Topsoil".

Reason: To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with Development Control Policies Development Plan Document Policy DC53

15. Highway Agreement: The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development

Reason: To ensure the interest of the travelling public and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

16. Means of access: No part of the building shall not be occupied until a means of vehicular/pedestrian access has been constructed in accordance with the approved plans.

Reason: In the interests of the travelling public.

17. Visibility splays: The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

Reason: In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

18. Landscaping: No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing

trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

19. Removal of permitted development allowances: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place under Class A, B, C, D or E, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

20. Construction Method Statement: Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- g) siting and design of temporary buildings;

h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;

i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

And the development shall be carried out in accordance with the approved scheme and statement.

Reason: To protect residential amenity, and in order that the development accords the Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. Community Safety - Informative:

In aiming to satisfy Condition 8, the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

2. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

3. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

4. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para.s 186-187 of the National Planning Policy Framework 2012.

5. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

(a) Necessary to make the development acceptable in planning terms;

- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

REPORT DETAIL

1. Site Description

- 1.1 The site, which is currently an irregular-shaped area of hardstanding, is located to the rear of the Prezzo restaurant (formerly known as the King's Head Public House) and previously formed the car park to the pub/restaurant. The area is currently used (under a temporary consent) for the hand-washing of vehicles. The site area is approximately 0.08 hectares.
- 1.2 The application site forms the furthest western point of the St Andrew's Conservation Area which includes all of the Listed restaurants fronting onto High Street and is centred around St. Andrew's Church which lies to the east of the application site.
- 1.3 Prezzo Restaurant forms one of a row of Listed Buildings which are all in commercial use and front onto High Street.
- 1.4 The site lies within Hornchurch Town Centre where there are a mix of commercial uses to the ground floor with some residential above. To the rear of the site is Fentiman Way, which is a service access to the commercial units fronting onto High Street and North Road. On the opposite side of Fentiman Way is a block of older people's accommodation known as Goldsmere Court and to the north-east, residential properties in Beredens Close. To the north-west of the application site is a large public car park.
- 1.5 There is an existing vehicular access from the application site onto Fentiman Way which is a two-way rear service access road which links to North Road to the north west of the application site. There is also an existing pedestrian access onto High Street.

2. Description of Proposal

- 2.1 The proposal would involve the demolition of a single storey building and the erection of a two-storey residential mews development providing 4 No. three bedroom houses (with accommodation in the roof space).
- 2.2 The block would be at an angle to and front onto Fentiman Way and would be set back between 3.9m and 9.7m from the carriageway, behind a new 1.8m wide footway. The two middle properties would be slightly (by 1.3m) staggered back. At its closest point the building would be just over 11m from the rear of "Prezzo".

- 2.3 The building would be 20.35m wide, 9.8m deep with a pitched roof with a ridge height of 9.55m above ground level with gabled side elevations. Accommodation would be provided on three levels and dormer windows would be provided to the rear elevation with roof-light windows to the elevation fronting onto Fentiman Way.
- 2.4 The proposal would include a shared, landscaped courtyard of just over 300sq.m with direct access from each of the 4 Mews properties. There would be gated pedestrian accesses from the courtyard to Fentiman Way and to High Street.
- 2.5 There would be on-site parking for 4 vehicles with vehicle accesses onto Fentiman Way and a cycle store would be provided in the courtyard area.
- 2.6 The proposal would also include the realignment of the existing private right of access to Prezzo's which provides for servicing the restaurant.

3. History

- 3.1 P1403.12 - Variation of condition 1 of planning permission P1127.09 to allow the temporary change of use to a car wash to be continued – Approved (temporary period)
- 3.2 P1127.09 - Change of use to temporary car wash – Approved (temporary period)
- 3.3 P0289.09 - Change of use to temporary hand car wash – Withdrawn
- 3.4 P2328.06 - Revised application for 3 parking bays with external A3 dining area and replacement of side window with door to side elevation – Approved
- 3.5 L0013.06 - Listed building consent for revised application for 3 parking bays with external A3 dining area - Approved

4. Consultation/Representations

- 4.1 135 neighbouring occupiers were notified of the proposal. A site notice was posted and a press notice was placed in a local paper. There were 2 replies objecting to the scheme on the following grounds:
 - The proposal for residential use would put unacceptable pressure on the surrounding A3 Uses (Mandarin Palace, Umbertos, Bar V) to reduce existing noise and activity associated with their existing late night and music licences, bottle and other collections and generally late opening in this "entertainment sector"
 - Adverse impact on the listed buildings
 - Overdevelopment of this small site
 - Overshadowing of the listed building
 - Not a suitable alternative to the temporary car wash

Following notification of revised plans, a further objection was received reiterating earlier comments.

- 4.2 Thames Water have written to advise that they have no objection with regard to sewerage infrastructure and remind the developer that it their responsibility to make proper provision for surface water drainage.
- 4.3 The Metropolitan Police Crime Prevention Design Advisor has written to advise that secured by design measures have been incorporated and asks that a condition and informative regarding Secured by Design and ones for external lighting and details of cycle storage and boundary treatments are attached if permission is granted.
- 4.4 The Fire Brigade (LFEDA) indicate that they are satisfied with the proposals.
- 4.5 English Heritage has responded that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

5.1 Staff Comments:

- 5.1.1 The issues are the principle of the use, its impact in the streetscene, on the character and appearance of St Andrew's Conservation Area, on the adjoining Listed Buildings (Prezzo to 197 High Street) and on residential amenity and highways (including servicing)/parking.
- 5.1.2 Policies CP1, CP4, DC2, DC3, DC33, DC35, DC36, DC61, DC63, DC67, DC68 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan, SPDs on Residential Design, Residential Extensions and Alterations, Landscaping, Heritage and Planning Obligations are relevant. Also relevant are London Plan Policies 3.3, 3.5, 3.8, 4.7, 6.5, 6.10, 6.13, 7.3, 7.4, 7.6, 7.8 and 8.3 and the National Planning Policy Framework.

5.2 *Principle of development*

- 5.2.1 Policy CP1 indicates that brownfield land will be prioritised for housing development and Policy CP4 indicates that town centres are the focus of community life and offer a diverse mix of uses. Within Hornchurch District Centre this list of uses includes residential accommodation. The existing site was formerly part of the Prezzo site providing a car parking area, and more recently has been used as a hand-car wash on a temporary basis. The site is therefore classified as brownfield land and Staff consider that the proposal would be in line with both Policies CP1 and CP4.
- 5.2.2 Policy DC68 relates to development within Conservation Areas. The Policy does not preclude development providing it at least preserves or enhances the character and appearance of the Conservation Area. Subject to the

details being considered below, it is considered that the application would accord with this policy in principle.

5.2.3 Recent government announcements, in line with the NPPF, also indicate that Town Centres should be revitalised by adding interest. Town centre living accommodation adds a further dimension to the retail and service offer, supporting the main town centre functions.

5.2.4 Staff therefore consider that the proposal would be acceptable in principle.

5.3 *Impact on the Conservation Area*

5.3.1 The site forms part of St Andrew's Conservation Area. The issue is whether the proposal would have an impact on the character and appearance of the Conservation Area and, if so, whether the proposal would enhance or, as a minimum, preserve it.

5.3.2 The character of the Conservation Area is mainly of open spaces including the Dell/Mill Fields and Hornchurch Cemetery and the retained Listed Buildings, including St Andrew's Church and those fronting High Street. The duty on the Council would not involve preventing development or preserving the status quo, but rather managing change in a sensitive way, to ensure that those qualities which justified designation are sustained and reinforced, rather than eroded.

5.3.3 The proposal is for a Mews style development of 4 houses which would have a landscaped courtyard to the rear between its rear elevations and the back of the Listed Building. As there has been no development on this part of the former car park (currently temporary hand car wash), the proposed development on two-storeys would be highly visible from Fentiman Way (onto which it would front) and the rear of Prezzo and also partly visible from the High Street and from Prezzo's outside seating area and from the Listed Buildings which front onto High Street.

5.3.4 The Heritage Officer comments that the proposal is acceptable in principle and that the proposed detailing will need to be implemented in accordance with the plans and that materials will need to be of a high quality. She considers that providing this is met, the proposal would preserve the character and appearance of the St Andrew's Conservation Area. Staff consider that a suitably-worded condition should be attached to any grant of planning permission requesting the submission of all external materials (details and, as appropriate, samples) before works begin to ensure that the scheme is of a high quality.

5.4 *Impact on Listed Buildings*

5.4.1 The building fronting onto High Street to the immediate south of the application site is Prezzo (formerly the Kings Head Public House) which is Listed, as are the attached buildings to the east comprising Nos. 191 to 197 High Street. All the buildings are grade II Listed.

5.4.2 The proposal would result in the loss of a single-storey building which is a curtilage building to the Listed Building. However, it is considered that this would be acceptable as it is a later addition and its loss would have a neutral impact on the fabric of the Listed Building.

5.4.3 The proposal has been the subject of detailed discussions with the Heritage Officer. The proposed design of the building with 4 Mews houses is considered to be complementary to the Listed Buildings fronting onto High Street, both in scale and character/appearance. While the siting of the proposed development would reduce views of the back of the Listed Buildings as these are for servicing access only, the proposed Mews buildings would set a reasonable distance (over 11m) from the nearest Listed Building, Prezzo, and as the proposal would include a carefully landscaped courtyard area, Staff consider that the proposed development would not have any significant impact on the adjoining/nearby Listed Buildings or their settings.

5.5 *Density*

5.5.1 The application site area is just under 0.08ha and therefore the density would be approximately 53 units per hectare. Policy DC2 indicates that the range should be 50-110 units per hectare. The proposal is at the bottom end of this range, nonetheless the main consideration is whether the scheme is of a high standard of design and layout in accordance with Policies DC3 and DC68.

5.5.2 The London Plan indicates at Policy 3.5 that 2-storey properties with 3-bed 5 person units should have a minimum space of 96 sq.m with 4 bed 5 person units having a minimum of 100 sq.m. The minimum size for 3 storey development with 3 beds for 5 persons is 102 sq.m. The size for each of the 3-bed 5 person houses would be 108.7 sq.m which would be in excess of the minimum internal space standards and would therefore provide for day to day living.

5.5.3 Staff therefore consider that the proposal would therefore accord with LDF Policy and the GLA Minimum space standards.

5.6 *Site Layout*

5.6.1 The proposal would provide four Mews houses fronting onto Fentiman Way with a shared, landscaped and private courtyard to the rear of the properties. A single parking space would be provided for each property to the Fentiman Way frontage together with some soft and hard landscaping and ancillary refuse storage. A cycle store would be provided in the courtyard area close to the path leading out onto High Street.

5.6.2 Staff consider that, as there are no properties fronting onto Fentiman Way, with the exception of Goldsmere Court a large retired persons flatted block on the opposite side, that there is no specific character or layout to follow

but that the proposed arrangement is typical for residential properties in the Borough in that there would be front garden areas, the houses and an amenity area to the rear. It is unusual that this amenity area would be shared between houses, nonetheless courtyards are more typical of older properties and Mews development in particular and Staff consider that this form of development/layout is more appropriate in the context of its relative positioning with the Listed Building and its town centre location.

5.6.3 The development would be located within a town centre where there are existing evening entertainment buildings in close proximity to the proposed dwellings. Also there is an outdoor seating area associated with Prezzo directly adjoining the application site. Hours of use are not generally controlled through the planning system where these relate to older properties although late licences may be required. People choosing to live in a town centre do not expect the same level of residential amenity which exists in purely residential areas, nonetheless suitable sound and odour insulation measures would be required to ensure that the occupiers are not unduly affected by existing nearby uses.

5.6.4 It is likely that any people moving to this location may wish to object to any changes to any hours of use or the licences etc. of existing late evening/night uses. This is a right and this may/may not affect the activities of the existing uses. This is similar to the situation for other residential occupiers in the town centre, for example those above the "Ask" Restaurant and the occupiers above properties facing or above other evening/outside activities in High Street, Station Lane and North Road. Nonetheless the buyers of the properties will purchase on a "buyer beware" basis in respect of the surrounding uses and any objections made against such changes in future must be considered in respect of the fact that the evening activities are existing uses in the town centre.

5.7 *Design/Impact on Street/Garden Scene*

5.7.1 The proposed Mews block of four houses would be located fronting onto Fentiman Way where it would be highly visible. The block would also be visible, albeit only along direct views, between buildings from High Street.

5.7.2 The proposal is considered to take into account its location within close proximity to the Listed Buildings while ensuring a respectful separation distance away from them and reflect a design which is acceptable within the St Andrew's Conservation Area. In respect of its impact in the street scene, the proposal appears as a building set back from the highway to Fentiman Way which includes the construction of a 1.8m wide pavement area. It is considered that two-storey properties fronting onto Fentiman Way with pitched roofs and end gables are characteristic in the locality, nonetheless the proposal also incorporates design details such as plain barge boards, small dormer windows, stone headers above windows and some use of timber which is considered to be in character with other development and reflects the form and scale of the Listed Buildings, while not mimicking them.

5.7.3 The proposed cycle storage would be located to the rear of the site within the courtyard area. The provision of cycle storage is acceptable, details could be submitted via a condition if planning permission is granted.

5.7.4 There are no existing garden areas to this side of Fentiman Way which would be affected by the development.

5.8 *Impact on Amenity*

5.8.1 The nearest residential properties to the application site are those on the opposite side of Fentiman Way. The nearest elevation of Goldsmere Court is 25m from the nearest boundary of the application site and the nearest property in Beredans Close is 40m from the nearest site boundary. The nearest part of the proposed development to Fentiman Way would be located 11m from the back edge of the highway. There are also residential properties above some shop units to High Street.

5.8.2 Fentiman Way, apart from providing access to Goldsmere Court - the only purely residential block to be accessed - is a commercial service road providing access to the rear of all shop units in North Road and along High Street. This includes access to the restaurants, including Prezzo contained in the row of Listed Buildings and the Royal British Legion which all front onto High Street. Fentiman Way also provides access to the large public car park to the north-west of the application site.

5.8.3 The proposed residential development would be located on the opposite side of a double-width carriageway rear servicing access in relation to Goldsmere Court. Staff consider that any general noise and activity associated with the proposed residential development would need to be balanced against the fact that the residential premises are situated particularly close to the town centre, just off the rear service road, and that levels of residential amenity would therefore be lower than in a quiet residential street away from the high level of commercial activity associated with this Major District Centre. Staff consider that to a degree the provision of two-storey development fronting onto Fentiman Way would reduce some of the existing noise and activity as it would act as an effective barrier between Fentiman Way and the busy (both vehicular and pedestrian) activity on High Street.

5.8.4 In addition, the application site was previously in use as the car park and servicing area of the public house, the Kings Head (now Prezzo restaurant). From earlier records, it would appear that at least 15-20 vehicles could be parked on site at any one time and, as there were no restrictions to the hours of use of the public house, vehicles and vehicle movements would/could have occurred at any time of the day or night. It is recognised that the car park area is not used recently as heavily as it may have been used in the past, nonetheless the proposal is for only 4 parking spaces such that traffic and traffic noise is likely to be significantly reduced.

5.8.5 Given the separation distances and that the proposed development is located on the opposite side of a public highway, it is not considered that there would be any significant loss of privacy to occupiers living opposite which face onto the public domain. In addition, Staff do not consider that the proposed development would result in any loss of residential amenity to those living above existing shop units fronting onto High Street.

5.8.6 Subject to the imposition of conditions restricting the hours of construction works and the methodology undertaken during the construction phase, it is considered that the proposal would have an acceptable impact on existing residential amenity.

5.9 *Highway/Parking*

5.9.1 The existing access to the Highway would be amended to provide separate accesses to the parking spaces with a new 1.8m wide pedestrian footpath where none currently exists.

5.9.2 Within this town centre location it is considered that the proposed parking provision of one space per dwelling would accord with Parking Standards. In line with Annex 6, cycle parking provision is proposed to be provided on site and would be subject to a suitable planning condition.

5.9.3 Servicing access to Prezzo would be retained (although realigned), as currently (since the application site is not within Prezzo's ownership).

5.9.4 There are no highways objections to the proposed development subject to conditions being attached in respect of pedestrian visibility splays, cycle storage and highway licences as necessary.

5.10 *Section 106 agreement*

5.10.1 The proposal is for new residential development which will result in infrastructure costs. The applicant would therefore be required to make a contribution to these costs through the Planning Obligation payment of £6,000 per property as indicated in the Planning Obligation SPD; totalling £24,000. The applicant has confirmed that he agrees to pay the contribution.

5.11 *Other Issues*

5.11.1 The Secured by Design Officer indicates that storage for cycles would be acceptable but that further details could be provided via a suitably worded condition. He also requests details of suitable external lighting and boundary treatments and refuse/cycle stores; again suitable conditions could be attached to any grant of planning permission.

6. Conclusions

6.1 The proposal is for 4 Mews Houses with ancillary parking and amenity space. It is considered that the proposal would result in an acceptable

impact on visual amenity in the streetscene, in relation to the setting of the Listed Building and on the character and appearance of the St Andrew's Conservation Area.

- 6.2 Staff consider that the proposal would also be acceptable in terms of its impact on residential amenity of adjoining occupiers and in highway and all other terms such that the proposal is acceptable and in accordance with Local Development Framework Policies CP1, CP4, DC2, DC3, DC33, DC35, DC36, DC61, DC63, DC67, DC68 and DC72 and the SPDs on Residential Design, Residential Extensions and Alterations, Landscaping, Heritage and Planning Obligations.

IMPLICATIONS AND RISKS

7. **Financial Implications and risks:**

- 7.1 None

8. **Legal Implications and risks:**

- 8.1 A legal agreement would be needed to secure the planning obligations payment towards local infrastructure.

9. **Human Resource Implications:**

- 9.1 None

10. **Equalities and Social Inclusion Implications:**

- 10.1 The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.

7. The relevant planning history.